



**Testimony of Dr. Joseph A. DiZinno,
Federal Bureau of Investigation Laboratory Director
Before the House Government Reform Committee
September 22, 2006**

Good morning Mr. Chairman, Congressman Waxman, and members of the committee. I am pleased to be here today to discuss the FBI's continued commitment to assist the Washington, DC Metropolitan Police Department (MPD) in the development of their own forensic laboratory assets.

During 2002 - 2003, the FBI Laboratory initiated discussions with the Metropolitan Police Department to explore the development of a Memorandum of Understanding (MOU) between both agencies regarding issues affecting forensic case examinations. The FBI Laboratory has historically provided laboratory testing services to MPD, largely based upon the convenient location of the laboratory within the District of Columbia. However, at that time, the FBI Laboratory was planning to re-locate to a new facility in Quantico, VA, approximately 45 miles south of Washington, D.C., which necessitated adjustments on behalf of MPD. More importantly, since September 11, 2001, the mission of the FBI Laboratory has focused primarily upon providing forensic services to support counterterrorism and counterintelligence investigations. The support to MPD investigations can continue, but not at the priority level previously received.

Since approximately 30% of all submissions received by the DNA Analysis Unit I (DNAUI) of the FBI Laboratory involve MPD investigations, the FBI Laboratory recommended the formation of an MPD Laboratory that would replace the technical examinations currently being performed by the DNAUI (specifically, serological examinations for the detection human bodily fluids and nuclear DNA testing). During FY 2002, approximately 300 cases were submitted by MPD to the FBI Laboratory involving the disciplines of Trace Evidence examinations and nuclear DNA testing. Based upon this information, the FBI Laboratory recommended that Trace Evidence and DNA examinations be included in the proposed MPD laboratory.

As part of the MOU, the FBI would provide MPD laboratory space, equipment, and supplies to perform examinations within the FBI Laboratory. This arrangement would also include comprehensive training in the Serology-DNA and Trace-Evidence disciplines, at both the Biologist/Technician and Examiner levels. Additionally, laboratory operational manuals, quality assurance procedures, and all materials necessary to pursue laboratory accreditation -- within the

scope of the FBI Laboratory's accreditation agency, the American Association of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) -- would be provided.

In the spring of 2004, the MOU was formally agreed upon by both agencies and the FBI Laboratory immediately implemented this initiative. Based upon the FY2002 workload submitted by MPD to the FBI Laboratory, it was recommended that three serology / DNA examination teams, each consisting of one examiner and one biologist, be established, as well as two trace evidence examination teams, each consisting of one examiner and one technician. Narrative position descriptions, academic and experience requirements, salary ranges, and employment postings were provided by the FBI Laboratory to MPD in April 2004. The FBI Laboratory assisted in the advertisement, recruitment, and interview process to select prospective candidates from June to October 2004.

Current status of MPD Trace Evidence Program

Two retired FBI trace evidence examiners began working at the FBI Laboratory as part of the MPD Laboratory, one in August 2004 and the other in September 2004. One MPD trace evidence technician started at the FBI Laboratory in March 2005 and was qualified in June 2005. The second trace evidence technician started training at the FBI Laboratory in April 2005, but resigned before completing her training in June 2005. A replacement for this technician was hired by MPD in October 2005 and began training at the FBI Laboratory in July 2006. This technician is expected to be qualified by the end of September 2006.

Prior to reporting to the FBI Laboratory, the three MPD Trace Evidence technicians worked on a variety of projects at the MPD facility at V street, including file organization; updating the MPD sexual assault database, which included reviewing and capturing all information in the files; assisting in the development of a lab file system; and assisting in the outsourcing of MPD DNA cases. Two of these technicians are the two current Trace Evidence technicians in this program.

Since reporting to the FBI Laboratory, the two MPD Trace Evidence examiners have, in addition to working cases, been involved in the restructuring the MPD evidence program, assisting and planning in the renovation of building space, purchasing equipment for a new laboratory, working with MPD personnel office to define job descriptions, reviewing applicants, and assisting in the outsourcing of DNA cases.

For the two years prior to the establishment of this program, the Trace Evidence Unit of the FBI Laboratory received, on average, 162 MPD cases comprised of 1993 specimens. During that same time frame, the Trace Evidence Unit of the FBI Laboratory completed, on average, 162 cases comprised of 2032 specimens. These were completed, on average, in 130 calendar days. On August 2, 2004, the MPD Trace Evidence Unit began working cases and was primarily responsible for all MPD Trace Evidence cases. For the year beginning on that date, the MPD Trace Evidence Unit received 194 cases comprised of 2211 specimens, and closed 240 cases comprised of 2504 specimens. These cases were completed with an average turnaround time of 72 days. For the year

beginning on August 2, 2005, the MPD Trace Evidence Unit received 175 cases comprised of 1418 specimens and closed 171 cases comprised of 1504 specimens. These cases were completed with an average turnaround time of 50 days. The reduction in the number of cases submitted to the laboratory was due in part to MPD Trace Evidence personnel being involved in the review of cases prior to submission to the laboratory. This also resulted in a reduced number of cases being processed by the MPD Trace Evidence Unit. However, due to the efforts of MPD Trace Evidence Unit personnel, the number of cases closed per year has increased and the average turnaround time has decreased dramatically.

MPD Trace Evidence cases examined by FBI Laboratory and MPD Laboratory

Year	Laboratory responsible for exam	Cases assigned	Specimens assigned	Cases completed	Specimens processed	Average turnaround time
2002-2003	FBI	139	1873	144	1783	142 days
2003-2004	FBI	185	2113	180	2281	117 days
2004-2005	MPD	194	2211	240	2504	72 days
2005-2006	MPD	175	1418	171	1504	50 days

When you examine the impact of this program on the FBI Laboratory's Trace Evidence Unit, you see a remarkable change in the ability to address non-MPD casework. For the same two year period prior to the inception of the MPD Trace Evidence program, the FBI Laboratory's Trace Evidence Unit completed examinations on 1807 cases comprised of 11,926 specimens. These were completed with an average turnaround time of 115 days. For the year beginning on August 2, 2004, the FBI Laboratory's Trace Evidence Unit completed examinations on 1069 cases comprised of 8737 specimens. These were completed with an average turnaround time of 65 days. For the year beginning on August 2, 2005, the FBI Laboratory's Trace Evidence Unit completed examinations on 918 cases comprised of 7261 specimens. These were completed with an average turnaround time of 61 days.

Non-MPD Trace Evidence cases examined by FBI Laboratory

Year	Cases completed	Specimens completed	Turnaround time
2002-2003	968	11287	127
2003-2004	1206	12566	103
2004-2005	1069	8737	65
2005-2006	918	7261	61

Over the past three years, the FBI Trace Evidence Unit has dedicated \$13,200 to support forensic examinations by MPD Trace Evidence personnel. In addition, four microscopes were purchased for use by MPD personnel at a cost of \$18,000. The current case backlog in the Trace

Evidence Unit of the FBI Laboratory consists of 51 MPD cases and 167 FBI cases.

Current status of MPD DNA Program

The MPD DNA program has undergone significant turnover in the past two years. Two examiners and three biologists were originally selected for the MPD DNA Laboratory. Of the original biologists selected, one resigned in February 2005 and was replaced by an alternate candidate. In March 2005, one MPD DNA Examiner and the two of the three DNA Biologists reported to the DNAUI for training. The remaining Biologist continued to perform administrative functions in Washington, D.C., at the direction of MPD but resigned in the summer of 2005. The remaining MPD DNA Examiner did not report to the FBI Laboratory for training, but at the direction of MPD continued to perform administrative functions in Washington D.C. During the fall of 2005, MPD independently selected a third DNA Examiner, as well as a third Biologist.

In September 2005, two DNA Biologists successfully completed serology training and began performing casework examinations as part of DNAUI. The scientists have gained one year of specialized casework experience in this discipline and have met all performance expectations. Both DNA Biologists are scheduled to begin DNA training in October, with an anticipated completion date in the spring of 2007.

The FBI Laboratory then assisted MPD in the recruitment, interviews, and hiring of two additional examiners in the spring of 2006 and the FBI will continue to assist MPD recruit a third DNA Examiner. The overall training approach is anticipated to produce two qualified DNA Examiners and three fully qualified DNA Biologists by October 2007.

Following two to three months of independent casework, the MPD program will be expected to submit its application to ASCLD/LAB for accreditation. An external DNA audit may also be scheduled in this timeframe to precede the inspection. During the first quarter of 2008, the MPD program could undergo and potentially receive ASCLD/LAB accreditation. At that time, the necessary requirement for independent access to CODIS and the NDIS may be satisfied. The MPD DNA program could then be in a position to independently enter and search DNA profiles by spring 2008.

The FBI Laboratory will continue to assist the MPD program in the recruitment, hiring, training, and ultimate qualification of two more DNA examination teams (with two Examiners and two Biologists) in this timeframe, potentially achieving a staffing level of ten DNA scientists.

Until the MPD can assume primary responsibility for its DNA testing, the FBI, MPD and the United States Attorney for the District of Columbia have agreed to outsource MPD's DNA testing. The FBI would bear all of the expenses and responsibilities for managing the outsourcing of selected MPD cases. The following summarizes the volume of cases worked internally by the DNAUI and outsourced externally over this time period:

	Cases Received	
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Year	(internal/outsourced)	Submissions Reported
2003	194 (161/33)	159
2004	287 (143/144)	235
2005	255 (218/36)	232
2006 Through 8/31/06	234 (229/5)	55

The current case backlog in DNAU1 consists of 329 MPD cases and 1323 non-MPD cases. The average turnaround time for a case in DNAU1 has increased to almost one year on a non-expedited case. In addition, the DNAU1 can no longer accept MPD 100 day hold cases that are submitted with less than 70 days remaining. From 2003 to the present, the FBI Laboratory has spent \$1.1 million on the outsourcing contract for MPD cases.

Conclusion

Once again, I appreciate the opportunity to come before you today and share the work that the FBI Laboratory is doing in cooperation with the Metropolitan Police Department to address the need to support the development of a dedicated MPD Laboratory. The FBI will continue its efforts, and we will keep this committee informed of our progress in protecting the people of Washington, D.C. Mr. Chairman, Mr. Waxman, and members of the Committee: Thank you for your time and your continued support of the FBI's and MPD Laboratory's continued efforts to address the timely analysis of forensic evidence in our Nation's capital. I am happy to answer any questions.